

**DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION**

I, the following named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHODS FOR STABILIZING AND CONTROLLING APOMIXIS**

and for which a patent application:

- ☐ is attached hereto and includes amendment(s) filed on \_\_\_\_\_ (if applicable)  
☒ was filed in the United States on February 6, 2004 as Application No. 10/772,243 (declaration not accompanying application) with amendment(s) filed on \_\_\_\_\_ (if applicable)  
☐ was filed as PCT international Application No. \_\_\_\_\_ on \_\_\_\_\_ and was amended under PCT Article 19 on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
PCT/US00/29905	WIPO	30 October 2000	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

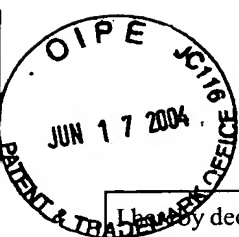
I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE
60/037,211	February 5, 1997
60/162,626	October 29, 1999

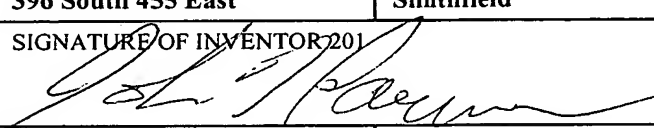
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
09/744,614	January 26, 2001		X	
09/576,623	May 23, 2000		X	
09/018,875	February 5, 1998			X

\* for use only when the application is assigned to a company, partnership or other organization.



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	LAST NAME <b>CARMAN</b>	FIRST NAME <b>John</b>	MIDDLE NAME <b>G.</b>	
	RESIDENCE & CITIZENSHIP	CITY <b>Smithfield</b>	STATE OR FOREIGN COUNTRY <b>Utah</b>	COUNTRY OF CITIZENSHIP <b>United States</b>	
	POST OFFICE ADDRESS	STREET <b>396 South 455 East</b>	CITY <b>Smithfield</b>	STATE OR COUNTRY <b>Utah</b>	ZIP CODE <b>84335</b>
		SIGNATURE OF INVENTOR 201 		DATE <b>Feb 20, 04</b>	
202	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
		SIGNATURE OF INVENTOR 202		DATE	
203	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
		SIGNATURE OF INVENTOR 203		DATE	
204	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
		SIGNATURE OF INVENTOR 204		DATE	
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
		SIGNATURE OF INVENTOR 205		DATE	



POWER OF ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John G. Carman

Application No.: 10/772,243

Group Art Unit:

Filing Date: February 6, 2004

Examiner:

For: METHODS FOR STABILIZING AND  
CONTROLLING APOMIXIS

Attorney Docket No: 81938-4299

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Allan A. Fanucci (Reg. No. 30,256), Daniel J. Hulseberg (Reg. No. 36,554), and Jeffrey A. Wolfson (Reg. No. 42,234) of WINSTON & STRAWN LLP (Customer No. 28765) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence for this application to Customer No. 28765 to the attention of Allan A. Fanucci (telephone 212-294-3311, facsimile 212-294-4700).

An assignment of the entire interest in the above-identified subject application is submitted herewith for recording and a copy is attached.

**ASSIGNEE: UTAH STATE UNIVERSITY OFFICE OF TECHNOLOGY  
MANAGEMENT & COMMERCIALIZATION**

Signature:

Date of Signature:

2/20/04

Typed Name:

Steven J. Kubisen

Position/Title:

Vice President, Technology Management

Address:

570 Research Park Way, Suite 101

North Logan, Utah 84341

COPY

## ASSIGNMENT

WHEREAS, each of

**John G. CARMAN**, a citizen of the United States residing at 396 South 455 East, Smithfield Utah 84335,

ASSIGNOR, is an inventor of the invention in **METHODS FOR STABILIZING AND CONTROLLING APOMIXIS**, for which an application for a Patent of the United States, identified by Winston & Strawn LLP Docket No. 81938-4299:

- ☐ is executed on even date herewith.  
☒ was filed on February 6, 2004 as Application No. 10/772,243.

WHEREAS, **UTAH STATE UNIVERSITY OFFICE OF TECHNOLOGY MANAGEMENT & COMMERCIALIZATION**, an organization having a place of business at 570 Research Park Way, Suite 101, North Logan, Utah 84341, ASSIGNEE, is desirous of obtaining each inventor's entire right, title and interest in, to and under the said invention and the said application.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to each inventor in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, each ASSIGNOR has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, his or her entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries other than the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

And each ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument;

And each ASSIGNOR hereby covenants and agrees that he or she has the full right to convey the entire interest herein assigned, and that he or she has not executed, and will not execute, any agreement in conflict herewith;

And each ASSIGNOR hereby further covenants and agrees that he or she will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to him or her respecting said invention, testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE or, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries;

And each ASSIGNOR hereby authorizes the ASSIGNEE's patent attorney to complete this form by the addition of the application number, application filing date, and attorney docket number, if necessary.

In witness whereof, each inventor has affixed his or her signature.

Feb 20, 04  
Date

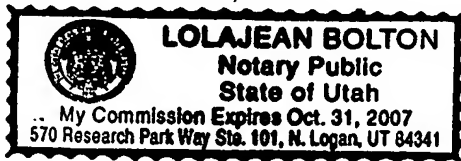
John G. CARMAN  
John G. CARMAN

STATE OF Utah )  
COUNTY OF Cache )

On this 20 day of February, 2004, before me, a Notary Public, personally appeared **John G. CARMAN**, to me known and known to me to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his/her free act and deed.

Oct. 31, 2007  
My Commission Expires

Lola Jean Bolton  
Notary Public





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John G. CARMAN

Confirmation No.:

Application No.: 10/772,243

Group Art Unit:

Filing Date: February 6, 2004

Examiner:

For: METHODS FOR STABILIZING AND  
CONTROLLING APOMIXIS

Attorney Docket No.: 81938-4299

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
[37 CFR 1.27(a)(3) - Nonprofit Organization]

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: Utah State University  
Office of Technology Management & Commercialization  
Address of Organization: 570 Research Park Way, Suite 101  
North Logan, Utah 84341

Type of Organization:

- ☒ University or other institution of higher education  
☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))  
☐ Nonprofit scientific or educational under statute of state of the United States of America  
(Name of State: \_\_\_\_\_)  
(Citation of statute: \_\_\_\_\_)  
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in the United States of America.  
☐ Would qualify as nonprofit scientific or educational under statute of state of the United States of America if located in the United States of America.  
(Name of State: \_\_\_\_\_)  
(Citation of statute: \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.27(a)(3) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled METHODS FOR STABILIZING AND CONTROLLING APOMIXIS, by John G. CARMAN, described in

- ☐ the specification filed herewith  
☒ application no. \_\_\_\_\_ filed January 21, 2004  
☐ patent no. \_\_\_\_\_ issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization identified above and/or there is an obligation under contract or law by the

inventor(s) to convey rights to the nonprofit organization identified above with regard to the invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2) or a nonprofit organization under 37 CFR 1.27(a)(3).

FULL NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

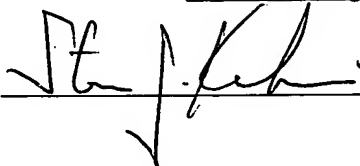
☐ INDIVIDUAL    ☐ SMALL BUSINESS CONCERN    ☒ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.27(g)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to:      WINSTON & STRAWN LLP      Direct Telephone calls to:  
Customer No. 28765      Patent Department  
202-371-5904

Name of Person Signing: Steven J. Kubisen  
Title of Signer: Vice President, Technology Management  
Address of Signer: 570 Research Park Way, Suite 101  
North Logan, Utah 84341

Signature:       Date: 2/20/04

\*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities.